

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

W.S. WILSON LEUNG (CABN 190939)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6758
Facsimile: (415) 436-6753
E-Mail: wilson.leung@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA)	No. 4-12-MJ-70421-KAW
)	
v.)	
)	STIPULATION AND PROPOSED
ANDRE GRIFFIN,)	ORDER DOCUMENTING WAIVER
)	
Defendant.)	
)	
)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the preliminary hearing date of May 2, 2012, setting a new preliminary hearing date for May 23, 2012, at 9:30 a.m., before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time under the Speedy Trial Act to May 23, 2012. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Andre Griffin, was charged in a complaint dated April 13, 2012, with one count of conspiring to distribute cocaine base, in violation of 21 U.S.C. § 846, and one count of distribution of cocaine base, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2. Griffin was arrested on or about April 17, 2012, and presented to Magistrate Judge Kandis A.

Westmore on or about April 18, 2012. John Paul Reichmuth, Esq., was appointed to represent Griffin. On or about April 23, 2012, Griffin was ordered detained pending trial.

2. Since April 23, 2012, the parties have conferred and will be trying to resolve this matter prior to the filing of indictment. These discussions, however, will require more time than the presently-scheduled May 2, 2012 preliminary hearing allows. Accordingly, the parties respectfully requests that the May 2, 2012 preliminary hearing be continued until May 23, 2012.

3. Taking into the account the public interest in the prompt disposition of criminal cases, the above-stated ground is good cause for extending the time limit for a preliminary hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment, and for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny the defense time for effective preparation and representation by seeking disposition of this matter prior to indictment on agreed-upon terms.

4. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the May 2, 2012 preliminary hearing date and extends the time for a preliminary hearing until May 23, 2012, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period from today until May 23, 2012 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161.

SO STIPULATED:

DATED: April 27, 2012

/s/
JOHN PAUL REICHMUTH, ESQ.
Attorney for ANDRE GRIFFIN

DATED: April 27, 2012

/s/
W.S. WILSON LEUNG
Assistant United States Attorney

IT IS SO ORDERED.

DATED: April 27, 2012

Kandis Westmore
HON. KANDIS A. WESTMORE
United States Magistrate Judge